

Appl. No.: 09/869,534
Amdt. dated 11/10/2005
Reply to Office action of August 16, 2005

REMARKS

In the final Office Action dated August 16, 2005, Claims 1-5, 13-16, and 20 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,337,073 to Tsunoda et al. ("Tsunoda") in view of Japanese Publication No. 10096890 to Masahiro ("Masahiro"). Dependent Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as obvious over Tsunoda in view of Masahiro, and further in view of U.S. Patent No. 6,078,302 to Suzuki ("Suzuki"). Dependent Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as obvious over Tsunoda in view of Masahiro and Suzuki, and further in view of U.S. Publication No. 2001/0024967 to Bauer ("Bauer"). Dependent Claims 10-12 and 22 were rejected as obvious over Tsunoda in view of Masahiro and Bauer. Dependent Claims 23 and 24 were rejected under 35 U.S.C. as obvious over Tsudona in view of Masahiro and Bauer, and further in view of U.S. Patent No. 6,426,736 to Ishihara et al. ("Ishihara"). In view of the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the previously presented set of claims.

Applicants' representatives would like to thank the Examiner for the courtesies extended during the recent interview conducted on November 9, 2005. As clarified by the Examiner in the interview, the first full paragraph of page 3 of the final Office Action, dated August 16, 2005, contains a typographical error and was intended to refer to Tsunoda and not Masahiro.

As also discussed in the interview, there is no suggestion or motivation in the references to combine the teachings of Tsunoda and Masahiro. Specifically, Tsunoda teaches away from equipment where the light sensitive element senses ambient light only at a location merely close to the display rather than at the display. See Tsunoda, col. 1, lines 15-44; and Fig 1. As clarified in the interview, Masahiro describes an optical sensor 9 that senses external light B through plastic cover 4 in the opening of the extraneous light taking-in aperture 2b, which is at a location separate and distinct from the LCD panel 3 and the display window 2a. See Masahiro Figs. 1 and 6. Thus, Tsunoda specifically teaches away from Masahiro, and, as such, the references do not provide the requisite motivation to combine Masahiro with Tsunoda, such that the pending

Appl. No.: 09/869,534
Amdt. dated 11/10/2005
Reply to Office action of August 16, 2005

rejections of the claims (all of which rely upon the combination of Tsunoda and Masahiro) are overcome.

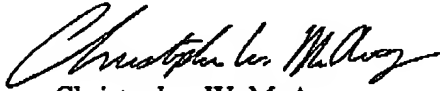
As a result of the interview, it is our understanding that the Examiner will conduct a further search and then take appropriate action as dictated by the further search.

CONCLUSION

In view of the foregoing remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


Christopher W. McAvoy
Registration No. 57,055

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

Appl. No.: 09/869,534
Amdt. dated 11/10/2005
Reply to Office action of August 16, 2005

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273- 8300 on the date shown below.

Sarah B. Simmons
Sarah B. Simmons

Nov. 10, 2005
Date

CLT01/4756679v2